



## Fiscal Impact Statement for Proposed Legislation

*Virginia Criminal Sentencing Commission*

### Senate Bill No. 1347

*(Patron – Reeves)*

LD#: 17100568

Date: 1/9/2017

Topic: Concealed weapons

#### Fiscal Impact Summary:

- **State Adult Correctional Facilities:**  
None (\$0)
- **Local Adult Correctional Facilities:**  
Cannot be determined
- **Adult Community Corrections Programs:**  
None (\$0)

- **Juvenile Direct Care:**  
Cannot be determined\*
- **Juvenile Detention Facilities:**  
Cannot be determined\*

\*Provided by the Department of Juvenile Justice

#### Summary of Proposed Legislation:

The proposal amends several sections of the *Code of Virginia* relating to concealed handgun permits.

Currently, carrying firearms or certain other weapons concealed is prohibited unless carrying a handgun with a valid concealed carry permit. Under the proposal, “concealed handgun permit” would be redefined as a “concealed weapon permit” and the list of exemptions in several statutes would be expanded so other types of weapons could be carried concealed lawfully. Expanded exemptions could lead to a decrease in the number of individuals convicted of carrying a concealed weapon under certain statutes, including § 18.2-308 for carrying a concealed weapon without a permit and § 18.2-308.1 for carrying weapons on school property, among others.

Expanding concealed handgun permits to apply to certain other concealed weapons may also impact convictions under other sections, such as § 18.2-308.02(C), relating to making a false statement on a concealed handgun permit. In addition, pursuant to § 18.2-308.1:4, individuals who are subject to a protective order who fail to surrender their concealed handgun permit are guilty of a Class 1 misdemeanor. The proposal would expand this provision to apply to concealed weapon permits. Pursuant to § 18.2-311.2, a third or subsequent Class 1 misdemeanor weapons violation (defined in Article 4, 5, 6, or 7 of Chapter 7 of Title 18.2) is punishable as a Class 6 felony.

#### Analysis:

According to Circuit Court Case Management System (CMS) data for fiscal year (FY) 2011 through FY2016, no felony convictions under § 18.2-308.02 were the primary, or most serious, offense at sentencing during that time period. A review of FY2011 to FY2016 Circuit Court Case Management System (CMS) data revealed

that five offenders were convicted of a Class 6 felony under § 18.2-311.2 for a third or subsequent weapon offense during the six-year period. This was the primary, or most serious, offense in three cases. None of the offenders received a term of incarceration to serve after sentencing.

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**Impact of Proposed Legislation:**

**State adult correctional facilities.** While the proposal could result in additional felony convictions under § 18.2-308.02 for making a false statement on a concealed handgun/weapon permit and § 18.2-311.2 for a third or subsequent misdemeanor weapons offense, during the most recent six-year period, no convicted offenders received a state-responsible (prison) sentence for those offenses. Therefore, the proposal is not expected to have an impact on the prison bed space needs of the Commonwealth during the six-year projection window specified by § 30-19.1:4 for legislative impact statements.

**Adult community corrections resources.** The net impact on local-responsible (jail) bed space needs cannot be estimated.

**Adult community corrections programs.** The proposal is not expected to increase the need for adult community corrections resources within the six-year projection window specified by § 30-19.1:4 for legislative impact statements.

**Virginia's sentencing guidelines.** Felony violations of § 18.2-308.1(B) pertaining to the possession of a firearm on school property are covered by the sentencing guidelines. Felony convictions under the other affected sections of the *Code* are not covered by the sentencing guidelines as the primary, or most serious, offense. Such a conviction, however, could augment the guidelines recommendation if the most serious offense at sentencing is covered by the guidelines. No adjustment to the guidelines is necessary under the proposal.

**Juvenile direct care.** According to the Department of Juvenile Justice, the impact of the proposal on direct care (juvenile correctional center or alternative commitment placement) bed space needs cannot be determined.

**Juvenile detention facilities.** The Department of Juvenile Justice reports that the proposal's impact on the bed space needs of juvenile detention facilities cannot be determined.

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**Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

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